PATENT Attorney Docket No. MIT-097CN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Colton et al.

SERIAL NO.:

Not yet assigned

Not yet assigned

FILING DATE:

Herewith

GROUP NO.: EXAMINER:

Not yet assigned

TITLE:

METHOD AND APPARATUS FOR DELIVERING OXYGEN TO

BOX PATENT APPLICATION Commissioner for Patents Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

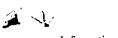
Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of patents, publications, and other information listed on the accompanying Form PTO-1449 were previously listed in an Information Disclosure Statement in U.S.S.N. 09/356,079 to which the instant application relies upon for an earlier effective filing date under 35 U.S.C. §120. Applicants believe that the Information Disclosure Statement submitted in the earlier application complies with 37 C.F.R. §§1.98(a), (b) and (c).

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

X	(1)	within three (3) months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the first Office action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. 1.114; or
	(2)	after the period defined in (1) but before the mailing date of a final action or a notice of allowance under 37 C.F.R. 1.311, and
		the requisite Statement is below, OR



Information Disclosure Statement Serial No. Not yet assigned Page 2 of 2





	the requisite fee under 37 C.F.R. 1.17(p), namely \$180.00, is included herein, or
(3)	after the mailing date of a final action or notice of allowance but before the payment of the issue fee, AND
	the requisite Statement is below, AND
	the requisite petition fee under 37 C.F.R. 1.17(p), namely \$180.00 is included herein.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

STATEMENT

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

- Each item of information contained in the Information Disclosure Statement was 1. first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or
- 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

Date: October 24, 2001

Reg. No. 44,244

Tel. No.: (617) 248-7044 Fax No.: (617) 248-7100

2205095

1. Man DV. h Konda P. Moore, D.V.M.

Attorney for Applicants

Testa, Hurwitz, & Thibeault, LLP

High Street Tower 125 High Street

Boston, Massachusetts 02110